



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/616,940

07/11/2003

Jean-Jacques Moreau

01807.002322.

3021

5514 7590 07/26/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

DUONG, OANH L

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,940

Applicant(s)

MOREAU ET AL.

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 9, and 11-25 is/are rejected.
- 7) ☐ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/15/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are presented for examination.

Specification Objection

2. The specification of the invention should include:
 - (1) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
 - (2) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
 - (3) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
3. The disclosure is also objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the

Art Unit: 2155

embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the term "it" in line 16 should not be used in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 3, 8 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3, 8, 10 seem have no useful, concrete and tangible result if number of blocks is not equal to zero. Therefore, claim 1 appears non-statutory.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

Art Unit: 2155

regards as the invention. It is not clear how the message can be translated according to the method of translation in accordance with claim 1. It is not clear that "said message" line 16 refers to "a message" in line 1 of claim 7 or "a message" in line 1 of claim 1 since it is not clear that applicant intends to claim claim 7 as dependent or independent.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4-9, 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Layman et al. ("Layman"), US 2004/0268241 A1.

Regarding claim 1, Layman teaches a method of translating a message represented in a first markup language comprising a succession of blocks respectively associated with an address attribute of said blocks, said address attribute being chosen from a set of attributes comprising references to a recipient station of the message in a communication network, references to an intermediate station of said communication network and references to a next station in the transmission of said message over the communication network, said method being adapted to translate the message into a

second markup language comprising two groups of blocks, a first group being adapted to comprise blocks addressed to one or more intermediate stations of said communication network and a second group being adapted to comprise blocks addressed to said recipient station of the communication network, characterized in that it comprises the following steps:

- selecting a first set of blocks of the message associated with an address attribute comprising a reference to said recipient station of the communication network (page 9 paragraph [0186]);

- adding said first set of blocks to said second group of blocks (page 9 paragraphs [0081]-[0086]);

- obtaining the number of blocks written in the second group of blocks (page 9 paragraph [0190]); and

- if said number of blocks is equal to zero, adding to the second group of blocks a single block chosen from a second set of blocks (page 17 paragraph [0365]).

Regarding claim 2, Layman teaches a translation method according to claim 1, further comprising a step of selecting said second set of blocks from the blocks of the message associated with an address attribute comprising a reference to a next station of said communication network (page 9 paragraph [0191]).

Regarding claim 4, Layman teaches a translation method according to claim 1, further comprising the following steps: selecting a third set of blocks of the message

Art Unit: 2155

associated with an address attribute comprising a reference to an intermediate station of the communication network, and adding said third set of blocks to said first group of blocks (page 9 paragraph [0182]).

Regarding claim 5, Layman teaches a translation method according to claim 1, further comprising the following steps: selecting a fourth set of blocks associated respectively with an address attribute comprising a reference to any of the stations of the communication network; and adding said fourth set of blocks to the first group of blocks (page 10 paragraph [0201]).

Regarding claim 6, Layman teaches a method of reverse translation of a message represented in a second markup language comprising two groups of blocks, a first group being adapted to comprise at least blocks addressed to one or more intermediate stations of the communication network and possibly blocks addressed to a recipient station, and a second group being adapted to comprise blocks addressed to said recipient station of the communication network, the reverse translation method being adapted to translate the message into a first markup language comprising a succession of blocks associated respectively with an address attribute of said blocks, said address attribute being chosen from a set of attributes comprising references to a recipient station of the message in a communication network, references to an intermediate station of said communication network and references to a next station in

Art Unit: 2155

the transmission of said message over the communication network, characterized in that it comprises the following steps:

extracting the blocks of said first group (pages 4-5 paragraphs [0079]-[0082]);

extraction of the blocks of said second group (pages 4-5 paragraphs [0079]-[0082]); and

writing of the blocks of said first group, then of the blocks of said second group (page 7 paragraph [0135]).

Regarding claim 7, Layman teaches a method of generating a message represented in a second markup language comprising two groups of blocks, a first group being adapted to comprise blocks addressed to one or more intermediate stations of said communication network and a second group being adapted to comprise blocks addressed to the recipient station of the communication network, characterized in that it comprises the following steps:

generating a message represented in a first markup language comprising a succession of blocks associated respectively with an address attribute of said blocks, said address attribute being chosen from a set of attributes comprising references to a recipient station of the message in a communication network, references to an intermediate station of said communication network and references to a next station in the transmission of said message over the communication network (page 9 paragraphs [0179]-[0186]); and

Art Unit: 2155

translation of said message according to the method of translation in accordance with claim 1 (page 5 paragraph [0083]).

Regarding claims 8 and 11, those claims recite a device for performing a method claim 1, same rationale of rejection is applicable.

Regarding claim 9, Layman teaches a translation device according to claim 8, further comprising means for selecting said second set of blocks from the blocks of the message associated with an address attribute comprising a reference to a next station of said communication network (pages 9-10 paragraphs [0189]-[0191]).

Regarding claims 12-25, those claims recite limitations substantially the same as claim 6, same rationale of rejection is applicable.

Allowable Subject Matter

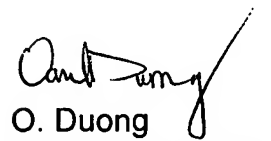
11. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcoming the 101 issue indicated above.

Art Unit: 2155

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


O. Duong
Primary Examiner
July 23, 2007